

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JESSIE HAMPTON #739573	§	
v.	§	CIVIL ACTION NO. 6:06cv478
DARRELL ATWOOD, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Jessie Hampton, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Hampton complained that he is being made to take and pay for polygraph tests without justification, that he is being treated as though the victim of his offense was under 17 when in fact she was 25, and that a parole officer is “trying to make him plead guilty to the offense for which he was convicted.” For relief, Hampton asked that the Court order that he be restored his driver’s license, that he be allowed to attend his own church, that he be removed from supervision for persons who committed a crime against a child, and that the Court review the statement made by the victim, which statement Hampton says will prove that he is innocent of the crime.

Four of the Defendants have filed a motion to dismiss, saying that the deprivation of a driver’s license and not being allowed to attend a specific church do not work a quantum change in the level of custody and do not have stigmatizing consequences, that they did not impose any parole conditions on Hampton but that the Board of Pardons and Paroles did, that Hampton was convicted of a sex offense and thus is properly subjected to the conditions of parole applicable to sex offenders, and that they have qualified immunity.

On August 22, 2007, the Magistrate Judge issued a Report recommending that the motion to dismiss be granted. The Magistrate Judge also recommended that Hampton's claims against the remaining two defendants, who did not join in the motion to dismiss, be dismissed as frivolous. The Magistrate Judge therefore recommended that the lawsuit be dismissed.

Hampton received a copy of the Magistrate Judge's Report on August 25, 2007, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge be and hereby is ADOPTED as the opinion of the District Court. It is further

ORDERED that the motion to dismiss (docket no. 26) filed by the Defendants Darrell Atwood, Jay Patzke, Charles Long, and Nancy Hess is GRANTED and that the Plaintiff's claims against these Defendants are hereby DISMISSED with prejudice. It is further

ORDERED that all remaining claims in this lawsuit, including but not limited to the Plaintiff's claims against the Defendants Brian Long and Frank Chambers, are hereby DISMISSED with prejudice as frivolous. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 1st day of October, 2007.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE